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PATENT  
2959-0104P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: WHITAKER et al. Conf.: 8300  
Appl. No.: 09/955,037 Group: 1645  
Filed: September 19, 2001 Examiner: UNASSIGNED  
For: DETECTION OF UNLABELED DNA AND RNA USING  
RESTRICTION ENZYME DIGESTION

REQUEST FOR A CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents  
Washington, DC 20231

1 2 0 0 2

Sir:

Attached hereto is the Official Filing Receipt in connection  
with the above-identified application.

THE FOLLOWING CORRECTION(S) IS/ARE RESPECTFULLY REQUESTED:

**TITLE:**

Please replace "DETECTION OF UNLABELED HYBRIDIZED DNA  
AND RNA USING RESTRICTION ENZYME DIGESTION"

with --DETECTION OF UNLABELED DNA AND RNA USING  
RESTRICTION ENZYME DIGESTION--

It is respectfully requested that the U.S. Patent and  
Trademark Office forward/issue a new Filing Receipt with the  
correction(s) indicated above. Support for the correction(s) is  
readily apparent on the enclosed photocopy of the Declaration and  
Power of Attorney.

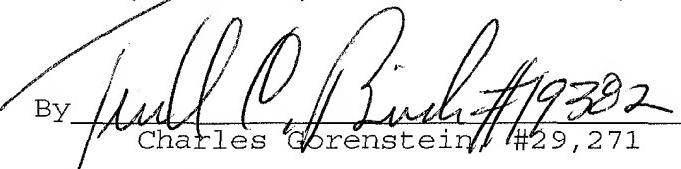
The correction(s) is/are due to error by the U.S. Patent and Trademark Office; therefore no fee is due.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Charles Corenstein #29,271

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

CG/MAA/end

Attachment

(Rev. 03/19/01)



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE RECD | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|--------------|----------------|----------|------------|------------|
| 09/955,037         | 09/19/2001  | 1645         | 355          | 2959-0104P     | 2        | 15         | 1          |

## CONFIRMATION NO. 8300

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

## FILING RECEIPT



\*OC000000006927774\*

Date Mailed: 10/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Tom J. Whitaker, Residence Not Provided;  
Wanda L. B. White, Residence Not Provided;  
Kenneth F. Willey, Residence Not Provided;  
Bruce K. Jacobson, Residence Not Provided;  
Bruce M. Applegate, Residence Not Provided;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/233,486 09/19/2000

## Foreign Applications

If Required, Foreign Filing License Granted 10/11/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Detection of unlabeled hybridized DNA and RNA using restriction enzyme digestion

## Preliminary Class

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|--------------------|-------------|-----------------------|------------------|
| 09955037           | 09/19/01    | Whitaker et al.       | 2959-0104P       |

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. BOX 747. Falls Church,  
VA 22040-0747

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Date Mailed: 01/30/02

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Publication and General Rules Issues**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).



An amendment or Application Data Sheet is needed to make this change.

- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. See MPEP 605.02.
- Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an amendment or Application Data Sheet.

- Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming small entity status excused, see 37 CFR 1.28(c).
- The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt.
- The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213.
- There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.
- Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.
- The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".

R. BERNER

Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202

Attorney Docket No.

1959-0104P

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING

BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

Detection of Unlabeled DNA and RNA Using Restriction Enzyme Digestion

the specification of which is attached hereto. If not attached hereto,  
the specification was filed on September 19, 2001 as  
United States Application Number \_\_\_\_\_;  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Insert Priority  
Information:  
(if appropriate)

| (Number) | (Country) | (Month/Day/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|----------|-----------|------------------------|------------------------------|-----------------------------|
| _____    | _____     | _____                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____    | _____     | _____                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____    | _____     | _____                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)

|                      |                    |
|----------------------|--------------------|
| 60/233,486           | September 29, 2000 |
| (Application Number) | (Filing Date)      |

\_\_\_\_\_

\_\_\_\_\_

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

| Country | Application Number | Date of Filing (Month/Day/Year) |
|---------|--------------------|---------------------------------|
| _____   | _____              | _____                           |
| _____   | _____              | _____                           |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

|                      |               |   |
|----------------------|---------------|---|
| (Application Number) | (Filing Date) | (Status - patented, pending, abandoned) |
| _____                | _____         | _____                                   |

I hereby appoint the practitioners at CUSTOMER NO. 2292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP or CUSTOMER NO. 2292**  
P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:  
↓

Full Name of First  
or Sole Inventor:  
Tom J. Whitaker  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed  
→

Insert Residence  
Insert Citizenship  
→

Insert Post Office  
Address  
→

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

|   |   |                     |
|---|---|---------------------|
| GIVEN NAME/FAMILY NAME<br>Tom J. Whitaker   | INVENTOR'S SIGNATURE<br><i>Tom J. Whitaker</i>    | DATE*<br>10-18-01   |
| Residence (City, State & Country)<br>Knoxville, Tennessee, United States of America   |   | CITIZENSHIP<br>USA  |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>10608 Summit Forest Court      Knoxville, Tennessee 37922, USA |   |                     |
| GIVEN NAME/FAMILY NAME<br>Wanda L. B. White   | INVENTOR'S SIGNATURE<br><i>Wanda L. B. White</i>  | DATE*<br>10-18-01   |
| Residence (City, State & Country)<br>Oak Ridge, Tennessee, United States of America   |   | CITIZENSHIP<br>USA  |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>34 Montclair Road      Oak Ridge, Tennessee 37830, USA         |   |                     |
| GIVEN NAME/FAMILY NAME<br>K. Bruce Jacobson   | INVENTOR'S SIGNATURE<br><i>K. Bruce Jacobson</i>  | DATE*<br>10-18-01   |
| Residence (City, State & Country)<br>Oak Ridge, Tennessee, United States of America   |   | CITIZENSHIP<br>USA  |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>940 West Outer Drive      Oak Ridge, TN 37830, USA             |   |                     |
| GIVEN NAME/FAMILY NAME<br>Kenneth F. Willey   | INVENTOR'S SIGNATURE<br><i>Kenneth F. Willey</i>  | DATE*<br>10/15/2001 |
| Residence (City, State & Country)<br>Schwenksville, Pennsylvania, United States of America  |   | CITIZENSHIP<br>USA  |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>4775 Quail Circle      Schwenksville, Pennsylvania 19473, USA  |   |                     |
| GIVEN NAME/FAMILY NAME<br>Bruce M. Applegate  | INVENTOR'S SIGNATURE<br><i>Bruce M. Applegate</i> | DATE*<br>10/17/01   |
| Residence (City, State & Country)<br>West Lafayette, Indiana, United States of America  |   | CITIZENSHIP<br>USA  |
| MAILING ADDRESS (Complete Street Address including City, State & Country)<br>703 Hayes Street      West Lafayette, Indiana 47906, USA       |   |                     |
| GIVEN NAME/FAMILY NAME  | INVENTOR'S SIGNATURE                              | DATE*               |
| Residence (City, State & Country)   |   | CITIZENSHIP         |
| MAILING ADDRESS (Complete Street Address including City, State & Country)   |   |                     |